**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE A.GOPAL REDDY**

WRIT PETITION No. 18028 of 2004

Between:

Mummidi Veerabhadra Rao, S/o Jagannadham,
R/o Suryaraopet Village, Kakinada, East Godavari District.

..... PETITIONER

AND

The Land Acquisition Officer and Revenue Divisional Officer,
Kakinada, East Godavari District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly a Writ of Mandamus directing the respondent to refer the matter of the petitioner to the Civil Court regarding his claim for enhancement of compensation granted by the respondent in his Award No. 10/88 dt. 19-10-88 in respect of the acquisition of his land of Ac. 0.40 cents covered by survey No. 251/10 and Ac. 1.32 cents covered by survey No. 251/11 situated in Suryaraopeta village, Kakinada Mandal, East Godavari District.

Counsel for the Petitioner : Mr.M.VIJAY KUMAR

Counsel for Respondent : G.P. FOR LAND ACQUISITION

The Court made the following :

**ORDER:**

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Heard the learned counsel for petitioner and the learned counsel for respondents.

By means of this writ petition filed under Article 226 of the Constitution of India, the petitioner seeks to refer the matter to the Civil Court under Section 18 of the Land Acquisition Act for enhancement of compensation for the lands acquired and covered under Award No.10/88 dated 19.10.1988.

The learned counsel for petitioner submits that the petitioner protested for payment of compensation and made representation dated 23.2.1989 for referring the matter to the Civil Court under Section 18 of the Land Acquisition Act.

A perusal of the said representation would make it clear that the petitioner except for enhancing the compensation has not stated anything with regard to referring the matter to the Civil Court under Section 18 of the Act. In the absence of the same, the petitioner is not entitled to the relief as claimed in this writ petition. As and when the said O.P. is disposed of, it is always open to the petitioner to avail for re-determination of compensation under Section 28-A of the Land Acquisition Act.

The writ petition is accordingly dismissed. No costs.

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A.GOPAL REDDY, J

Date: 7.10.2004

DA

To

1. The Land Acquisition Officer and Revenue Divisional Officer,
   Kakinada, East Godavari District.

2. Two CCs to the G.P. for Land Acquisition, High Court Buildings,

Hyderabad (OUT).

3. Two CD copies.